

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON – AT SEATTLE

R.K. ,

Plaintiff,

VS.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole;

Defendants.

NO. 04-2338 RSM

SPECIAL VERDICT FORM PROPOSED BY PLAINTIFF

[REVISED]

We, the jury, make the following answers to the questions submitted by the Court:

QUESTION No. 1: Was the Mormon Church negligent for failing to warn potential victims of Jack Onefrey?

ANSWER: ("Yes" or "No")

INSTRUCTION: If you answer Question No. 1, "yes," go to Question No. 2. If you answer Question No. 1 "no," then answer Question No. 3.

QUESTION NO. 2: Was the negligence of the Mormon Church in failing to warn potential victims of Jack Onefrey a proximate cause of injury to the plaintiff?

ANSWER: ("Yes" or "No")

INSTRUCTION: Answer Question No. 3.

QUESTION No. 3: Was the Mormon Church negligent in failing to report its knowledge that Jack Onefrey was a child molester to law enforcement officials?

ANSWER: ("Yes" or "No")

INSTRUCTION: If you answer Question No. 3, "yes," go to Question No. 4. If you answer Question No. 3 "no," then answer Question No. 5.

QUESTION No. 4: Was the negligence of the Mormon Church in failing to report its knowledge that Jack Onefrey was a child molester a proximate cause of injury to the plaintiff?

ANSWER: ("Yes" or "No")

INSTRUCTION: Answer Question No. 5

QUESTION No. 5: Was the Mormon Church negligent in failing to train its hierachal clergy and youth leaders regarding the duty to investigate and/or the duty to report suspected instances of child abuse.

ANSWER: ("Yes" or "No")

INSTRUCTION: If you answer Question No. 5, "yes," go to Question No. 6. If you answer Question No. 6 "no," then answer Question No. 7.

1 **QUESTION No. 6:** Was the negligence of the Mormon Church in failing to train its
2 hierachal clergy and youth leaders regarding the duty to investigate and/or the duty to report
3 suspected instances of child abuse a proximate cause of injury to the plaintiff?

4 **ANSWER:** ("Yes" or "No") _____
5

6 *INSTRUCTION: If you answered "yes," to either 1, 3, or 5, answer Question No. 7; if*
7 *you answered Questions 1, 3 and 5 "no," sign and return this verdict.*
8

9
10 **QUESTION No. 7:** What do you find to be the plaintiff's total amount of damages?
11 (Do not consider the issue of fault of third parties, if any, in your findings).
12

13 **ANSWER:** \$ _____
14

15 *INSTRUCTION: Answer Question No. 8.*
16

17 **QUESTION No. 8:** Was Herman Allenbach an agent of the Mormon Church at the time
18 he gained knowledge that Jack Loholt was molesting children?
19

20 **ANSWER:** _____ ("Yes" or "No")
21

22 *INSTRUCTION: If you answered Question No. 8 "yes," Answer Question No. 9. If
you answered Question No. 8 "no," skip past Question Nos. 9, 10 and 11 and Answer
Question No. 12.*
23

1 **QUESTION NO. 9:** Were either of the following negligent?

2
3 *INSTRUCTION: Answer "yes" or "no" after the name of each entity not party to this*
action).

4 **ANSWER:**

	Yes	No
Dorothy Kelly	_____	_____
Jerry Kelly	_____	_____

5
6
7 *(INSTRUCTION: If you answer Question No. 9, "no" as to both Dorothy Kelly and*
Jerry Kelly, *do not answer questions 10 and 11. If you answered Question No. 9*
"yes," *as to either Dorothy Kelly or Jerry Kelly, answer Question No. 10.*

8
9
10 **QUESTION NO. 10:** Was such negligence of Dorothy or Jerry Kelly a proximate cause
11 of injury to the plaintiff?

12 **ANSWER:**

	Yes	No
Dorothy Kelly	_____	_____
Jerry Kelly	_____	_____

13
14 *(INSTRUCTION: If you answer Question No. 10 "no" as to both Dorothy Kelly and*
Jerry Kelly, *skip past Question 11 and answer Question No. 12, but see*
instructions at end of Question No. 11 before answering Question No. 12. *If you*
answer Question No. 10 "yes," *as to either Dorothy Kelly or Jerry Kelly, answer*
Question No. 11.

15
16 **QUESTION NO. 11:** Assume that 100% represents the total combined negligence that
17 proximately caused the plaintiff's injury. What percentage of this 100% is attributable to the
18 defendant and what percentage of this 100% is attributable to each non-party, if any, whose
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negligence was found by you in Question No. 3 to have been a proximate cause of the injury to the plaintiff? Your total must equal 100%.

ANSWER:

Defendant Mormon Church	_____ %
Non-Party Dorothy Kelly	_____ %
Non-Party Jerry Kelly	_____ %

TOTAL 100%

(INSTRUCTION: If you answered Question No. 8 "no" skip past Question Nos. 12, 13 and 14 and Answer Question No. 15. If you answered Question No. 8 "yes," Answer Question No. 12.)

QUESTION No. 12: Were either of the following negligent?

INSTRUCTION: Answer "yes" or "no" after the name of each entity not party to this action).

ANSWER:

	Yes	No
Dorothy Kelly	_____	_____
Jerry Kelly	_____	_____
Herman Allenbach	_____	_____

(INSTRUCTION: If you answer Question No. 12 "no" as to Dorothy Kelly, Jerry Kelly and Herman Allenbach, skip past questions 13 and 14 and answer Question 15. If you answer Question No. 12 "yes," as to either Dorothy Kelly, Jerry Kelly or Herman Allenbach, answer Question No. 13.

1 **QUESTION NO. 13:** Was such negligence of Dorothy, Jerry Kelly or Herman
 2 Allenbach, a proximate cause of injury to the plaintiff?

3 **ANSWER:**

	Yes	No
Dorothy Kelly	<hr/>	<hr/>
Jerry Kelly	<hr/>	<hr/>
Herman Allenbach	<hr/>	<hr/>

9 *(INSTRUCTION: If you answer Question No. 13 "no" as to Dorothy Kelly, Jerry
 10 Kelly and Herman Allenbach, skip past Question 14 and answer Question 15. If
 11 you answer Question No. 13 "yes," as to either Dorothy Kelly, Jerry Kelly or
 Herman Allenbach,, answer Question No. 14.*

13 **QUESTION NO. 14:** Assume that 100% represents the total combined negligence that
 14 proximately caused the plaintiff's injury. What percentage of this 100% is attributable to the
 15 defendant and what percentage of this 100% is attributable to each non-party, if any, whose
 16 negligence was found by you in Question No. 3 to have been a proximate cause of the injury
 17 to the plaintiff? Your total must equal 100%.

19 **ANSWER:**

Defendant Mormon Church	<hr/> %
Non-Party Dorothy Kelly	<hr/> %
Non-Party Jerry Kelly	<hr/> %
Non-Party Herman Allenbach	<hr/> %
TOTAL	100%

26 *(INSTRUCTION: Answer Question 15).*

QUESTION No. 15: Do you find that the intentional conduct of Jack Onefrey caused plaintiff damage?

ANSWER: _____ (write "yes" or "no")

(INSTRUCTION: If you answered Question 15 "no", sign this verdict form; if you answered Question 15 "yes," answer Question 16.)

QUESTION NO. 16: What is the total amount of damages caused by the negligent conduct?

ANSWER: \$ _____

(INSTRUCTION: Answer Question No. 17).

QUESTION NO. 17: What is the total amount of damages caused by the intentional conduct?

ANSWER: \$ _____

INSTRUCTION: Sign this Verdict Form.

DATED this ____ day of October, 2006.

Presiding Juror